

**Commonwealth of Massachusetts  
Executive Office of Health and Human Services**

**NOTICE OF PUBLIC HEARING**

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold remote public hearings on Monday, May 22, 2023, at the respective times listed below, relative to the adoption of amendments to the following five regulations.

Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS biennially establishes by regulation rates paid by governmental units to providers of social service programs and health services. All amendments to the regulations below are proposed in accordance with this statute.

For the proposed amendments to the regulations below: a cost adjustment factor (CAF) of 2.78% was applied for all increased rates, and was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2023 Q2) and the prospective period of fiscal years 2024 and 2025. In addition to the FY24 CAF, the rates for all services have been updated to include all staff salaries, benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) wages dated May 2021 at the 53<sup>rd</sup> percentile. The administrative allocation has been benchmarked to 12% and the tax and fringe rate has been benchmarked to 25.39%. This benchmark is derived from the MA Comptroller's FY23 approved rate less terminal leave and retirement. This benchmark includes an additional 2% to be used to promote workforce initiatives such as retirement benefits.

**1. 9:00 a.m.: 101 CMR 346.00: Rates for Certain Substance-Related and Addictive Disorders Programs.** The proposed amendments to 101 CMR 346.00 update the rates to be paid by governmental units for Residential Rehabilitation programs including Clinically Managed Detoxification Programs; Supportive Case Management services; Triage, Engagement, and Assessment (TEA) program services; and Office-Based Opioid Treatment services with rates governed by this regulation. The proposed rates for all services have been updated to include programmatic expenses benchmarked to the FY21 Uniform Financial Statements and Independent Auditor's Report (UFR) and the purchaser's recommendations. The Transitional Support, Second Offender, and Family Residential Treatment service models have been updated to include additional staffing for medication management coverage. The rates for Office-Based Opioid Treatment services (OBOTs) have been streamlined to fit the service needs and are based on a per client monthly enrollment unit. Lastly, rate provision language has been incorporated into this regulation to allow for administrative adjustments for extraordinary circumstances, which is consistent with other Chapter 257 rate regulations. The proposed amendments to these rates for DPH result in an overall annualized increase in state spending of 21.08% or approximately \$10.9 million over FY23 projected spending of \$51.5 million. The proposed amendments to these rates for MassHealth result in an overall annualized increase in spending of 14.61% or approximately \$1.2 million over FY22 fee-for-service spending of \$7.8 million.

**2. 10:00 a.m.: 101 CMR 427.00: Rates for Certain Youth and Young Adult Support Services.** The proposed amendments update rates for certain youth and young adult support services to include programmatic expenses benchmarked to the FY21 Uniform Financial Statements and Independent Auditor's Report (UFR) and the purchaser's recommendations. Rate provision language has been incorporated into this regulation to allow for administrative

adjustments for extraordinary circumstances, which is consistent with other Chapter 257 rate regulations. Lastly, hourly add-on rates have been added to this regulation for direct care staff. The estimated FY24 annualized cost to state government from the increase in rates established by these proposed amendments is approximately \$2.4 million, which represents an increase of 14.92% over FY23 projected spending of approximately \$18.3 million.

**3. 10:30 a.m.: 101 CMR 432.00: Rates for Certain Lead Agency Services.** The lead agency rates are being updated to include programmatic expenses benchmarked to the FY21 Uniform Financial Statements and Independent Auditor's Report (UFR). Rate provision language has been incorporated into this regulation to allow for administrative adjustments for extraordinary circumstances, which is consistent with other Chapter 257 rate regulations. The total projected annualized cost to state government from the increase in rates effective July 1, 2023, is approximately \$1.6 million, which represents an increase of 12.24% over FY20 spending of approximately \$13.7 million.

**4. 11:00 a.m.: 101 CMR 430.00: Rates for Program of Assertive Community Treatment Services.** The rates for the Program of Assertive Community Treatment services have been updated to incorporate a new rate for the Program of Assertive Community Treatment that serves youth. The rates for this new service have been updated with the programmatic cost benchmarks to either similar services programmatic expenses, the FY21 Uniform Financial Statements and Independent Auditor's Report (UFR) or the purchasing agencies recommendation. Lastly, rate provision language has been incorporated into this regulation to allow for administrative adjustments for extraordinary circumstances, which is consistent with other Chapter 257 rate regulations. The total projected annualized cost to state government from the increase in rates effective July 1, 2023, is approximately \$2 million, which represents an increase of 15.25% over FY23 projected spending of approximately \$12.8 million.

**5. 11:30 a.m.: 101 CMR 413.00: Rates for Youth Intermediate-term Stabilization Services.** The rates for youth intermediate-term stabilization services, specific to clinically intensive residential treatment (CIRT) and intensive residential treatment programs (IRTP); congregate care and intensive community services; youth residential; and youth transitional age services are being updated. The youth residential and youth transitional age services programmatic expenses are benchmarked to the FY21 Uniform Financial Statements and Independent Auditor's Report (UFR). The congregate care and intensive community services programmatic expenses are benchmarked to either similar services programmatic expenses or the purchasing agencies' recommendation. Direct service staffing in most of these model budgets has been updated to correspond with the purchaser's service delivery expectations for the services. Additionally, many congregate care service models have been allocated increased training funds based on the purchaser's recommendation. The rates specific to clinically intensive residential treatment (CIRT) and intensive residential treatment programs (IRTP) have been redesigned to include additional staffing, wellness, and on-call expenses, as well as to eliminate the need for separate co-located/non-co-located ITRP rates. Lastly, rate provision language has been incorporated into this regulation to allow for administrative adjustments for extraordinary circumstances, which is consistent with other Chapter 257 rate regulations. The total annualized cost to state government from the increase in rates amended by this regulation is approximately \$140 million, which represents an increase of 40.24% over FY23 projected spending of approximately \$347 million.

The proposed regulations contain rates effective for dates of service on or after July 1, 2023. There is no fiscal impact on cities and towns.

To register to testify at any of the hearings and to get instructions on how to join the hearing online, go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to [ehs-regulations@mass.gov](mailto:ehs-regulations@mass.gov) as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Monday, May 22, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current drafts of the proposed regulations, go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. To view or download supporting materials, go to [www.mass.gov/service-details/proposed-regulations-supporting-materials](http://www.mass.gov/service-details/proposed-regulations-supporting-materials).

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@mass.gov](mailto:ADAAccommodations@mass.gov) or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed regulations taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

April 28, 2023